

Pursuant to Ind. Appellate Rule 65(D), this Memorandum Decision shall not be regarded as precedent or cited before any court except for the purpose of establishing the defense of res judicata, collateral estoppel, or the law of the case.

ATTORNEY FOR APPELLANTS:

KAREN M. HEARD

Vanderburgh County Public Defender's Office
Evansville, Indiana

ATTORNEY FOR APPELLEE:

MARY JANE HUMPHREY

Vanderburgh County Department of Child
Services
Evansville, Indiana

**IN THE
COURT OF APPEALS OF INDIANA**

IN THE MATTER OF THE INVOLUNTARY)
TERMINATION OF THE PARENT CHILD)
RELATIONSHIP OF A.T., Y.T. and D.D., JR., MINOR)
CHILDREN, AND HELENA WILLIAMS (MOTHER))
AND DEMOND DAVIS, SR., (FATHER OF D.D., JR.))

HELENA WILLIAMS AND DEMOND DAVIS, SR.,)

Appellants-Respondents,)

vs.)

VANDERBURGH COUNTY DEPARTMENT OF CHILD)
SERVICES,)

Appellee-Petitioner.)

No. 82A01-0612-JV-534

APPEAL FROM THE VANDERBURGH SUPERIOR COURT

The Honorable Brett J. Niemeier, Judge

Cause Nos. 82D01-0508-JT-50, 82D01-0508-JT-51, and 82D01-0508-JT-52

June 21, 2007

MEMORANDUM DECISION - NOT FOR PUBLICATION

KIRSCH, Judge

Helena Williams (“Mother”) appeals the termination of the parent-child relationship with her children, A.T., Y.T., and D.D., Jr., and Demond Davis, Sr., (“Father”) appeals the termination of the parent-child relationship with his son, D.D., Jr., upon petition of the Vanderburgh County Department of Child Services, (“DCS”). The dispositive issue is whether the trial court erred when it failed to issue written findings of fact and conclusions thereon in support of the terminations.

We vacate this case and remand it with instructions for the trial court to issue written orders that include findings of fact and conclusions thereon in support of the terminations.

FACTS AND PROCEDURAL HISTORY

On October 9, 2006, the trial court entered the following chronological case summary entry terminating Mother and Father’s parental rights to A.T., Y.T., and D.D., Jr.:

Comes now the Court and having had this matter under advisement now finds the Department has proven the allegations of the petition by clear and convincing evidence; that it is in the best interest and welfare of the child that parental rights be terminated; Court orders parental rights of the mother and father terminated at this time; child is free for adoption.

Appellants’ App. at 3. Mother and Father appeal the terminations.

DISCUSSION AND DECISION

Mother and Father argue that the trial court erred when it failed to issue written termination orders. According to Mother and Father, “[w]ithout a written [order], it is unclear whether the court found that the [DCS] had established each statutory element by clear and convincing evidence as required by the State and the U.S. Constitution.” *Appellants’ Br.* at 19.

Our legislature has enacted an interlocking statutory scheme governing children in

need of services (“CHINS”) and the involuntary termination of parental rights. *A.P. v. Porter County Office of Family and Children*, 734 N.E.2d 1107, 1112 (Ind. Ct. App. 2000), *trans. denied*. Although involuntary termination proceedings are distinct from CHINS proceedings, an involuntary termination proceeding is governed by the procedures described by the CHINS statutes contained in Indiana Code Article 31-34. *Id.* Indiana Code Section 31-34-19-10 requires a CHINS dispositional decree to include written findings and conclusions upon the record. Because the statutory requirement also applies to an involuntary termination proceeding, an involuntary termination order must include written findings and conclusions as well. The termination of parental rights is such a serious matter that we insist that the procedural mandates of the CHINS and involuntary termination statutes be followed strictly. *A.P.*, 734 N.E.2d at 1118.

We therefore vacate this appeal and remand the cases to the trial court with instructions for the court to order written termination orders that include written findings of fact and conclusions thereon in support of the terminations.

Vacated and remanded.

DARDEN, J., and MATHIAS, J., concur.